

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application.

Claims 1–5 and 12–13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Irube (U.S. Patent No. 6,377,818) in view of Parulski et al. (U.S. Patent No. 5,900,909). For at least the following reasons, the Examiner's rejection is respectfully traversed.

There is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Parulski with Irube to arrive at the claimed invention. The mere fact that the references can be combined does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

The Office Action states on page 9, lines 14–20:

And therefore, it would have be obvious to a person skilled in the at the time invention was made to solve the problem of transmitting the image taken by camera in a video telephone regardless of it holding direction so that an image taken is transmitted so as to be oriented in its correct up-and-down direction and that an image is displayed so as to be oriented in its correct up-and-down direction without use of special application software by using teachings of Parulski.

However, the Office Action also states on page 9, lines 4–7:

Irube teaches video telephone which can be oriented in different direction while communicating with other video telephone and has a processing means that process the image to be displayed correctly depending upon direction of the video telephones in communications (col. 2, lines 34–45).

Thus, Irube already teaches a solution of processing an image to be displayed, so the image can be displayed correctly *regardless of the holding direction of the video telephones*.

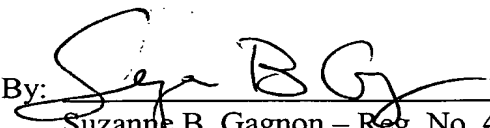
Since Irube already solves the problem of displaying the image correctly *regardless of the holding direction of the video telephones*, there is no motivation or need to use the Parulski camera elements to modify the Irube video to arrive at the claimed invention. Therefore, the Office Action has made no showing of a suggestion or motivation in Irube or Parulski to make the proposed modification in Irube.

The desirability of such a modification is found only in Applicant's own description of the invention, in contrast to the requirement that the teaching or suggestion to make the modification must be found in the prior art, and not based on an Applicant's disclosure. Reconsideration and withdrawal of the rejection based upon the combination of references is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge the same to our Deposit Account No. 16-0820, our Order No. 33483.

Respectfully submitted,
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